

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FRANK L. RUSNAK,	:	
	:	Case No. 1:04CV313
Plaintiff	:	
	:	District Judge Susan J. Dlott
v.	:	
	:	ORDER
DOLLAR GENERAL CORP., INC.,	:	
	:	
Defendant.	:	

This matter is before the Court on Plaintiff's Motion in Limine to Exclude Employment Information Regarding Decision Makers and Managers After Plaintiff's Termination (doc. 71) and Defendant's Response thereto (doc. 97); Defendant's Motion to Strike Kathleen Guion From Plaintiff's Final Witness List (doc. 81), Defendant's Motion in Limine Concerning Dollar General's 2005 Investigation (doc. 83), and Plaintiff's Opposition thereto (doc. 87); Defendant's Objections to Plaintiff's Trial Witnesses (doc. 98); and Defendant's Motion for Leave to File Motion in Limine Concerning Plaintiff's Mitigation of Damages (doc. 110).

Plaintiff's Motion in Limine to Exclude Employment Information Regarding Decision Makers and Managers After Plaintiff's Termination is GRANTED, except to the extent that the Defendant is entitled to submit to the jury by deposition transcript designation that certain individuals were no longer employed by Dollar General at the time of their deposition testimony. In the alternative, should the parties agree to stipulate to the occurrence and date of the witnesses' terminations, Defendant is free to submit such stipulations.

Defendant's Motion to Strike Kathleen Guion From Plaintiff's Final Witness List is GRANTED.

Defendant's Motion in Limine Concerning Dollar General's 2005 Investigation is GRANTED.

Defendant's Objections to Plaintiff's Trial Witnesses is DENIED as to Michael Clem and GRANTED as to Kathleen R. Guion. As to Michael Clem, Defendant is free to raise objections to the relevance of his testimony at trial. Further, the Court DENIES Defendant's Objections as to Cheryl Rusnak and Vince Boldin, so long as Plaintiff provides Defendant with these witnesses' addresses and makes these witnesses available for deposition prior to their testimony at trial.<sup>1</sup>

Defendant's Motion for Leave to File a Motion in Limine Concerning Plaintiff's Mitigation of Damages is DENIED. In a simple employment case, Defendant has already filed more motions in limine than this Court has ever seen. Defendant is free to raise objections at trial.

IT IS SO ORDERED.

s/Susan J. Dlott  
Susan J. Dlott  
United States District Judge

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<sup>1</sup> Plaintiffs did not identify Cheryl Rusnak and Vince Boldin as trial witnesses until October 26, 2006. However, Plaintiffs have substantially complied with the Court's Final Pretrial Order (doc. 69), which states that "[i]n the event other witnesses are to be called at the trial, a statement of their names and addresses and the general subject matter of their testimony will be served upon opposing counsel and filed with the Court at least six business days prior to trial."